

# REGISTER



## *South Dakota Legislative Research Council*

Volume 39

Monday, 8:00 a.m., July 23, 2012

**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Department of Labor and Regulation: Banking Commission and Division of Banking:***

(July 16, 2012) intends to amend rules to clarify the types of mutual funds that may be invested in or held by banks chartered and regulated by the Division of Banking; increase the annual asset based supervision fee paid by state-chartered trust companies and to establish a separate minimum and maximum fee amount payable by private and public trust companies; amend the trust administration duties that must be done in South Dakota by public trust companies to comply with a statutory requirement; repeal an unnecessary proof of experience requirement for certain mortgage license applicants; and remove unnecessary transition language related to continuing education requirements. The general authority for these rules, as cited by the department, is SDCL §§ 51A-2-13, 51A-4-25, 51A-2-36, 51A-6A-11.1, 51A-6A-33, 54-14-22, and 54-14-31.

A public hearing will be held at the Ramada Inn and Suites, Gallery 2, 1301 West Russell Street, Sioux Falls, South Dakota on August 8, 2012, at 11:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Division of Banking, 217 ½ West Missouri Avenue, Pierre, South Dakota 57501, or by emailing [Lynda.Fratzke@state.sd.us](mailto:Lynda.Fratzke@state.sd.us). Copies of the rules are also available at the division's website: <http://dlr.sd.gov/banking/default.aspx>. Material sent by mail must reach the division by August 8, 2012, for proposed rules of the Banking Commission and by August 20, 2012,

for proposed rules of the Director of the Division of Banking, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3421 at least 48 hours before the hearing.

***Department of Agriculture: Board of Veterinary Medical Examiners:*** (July 19, 2012) is proposing to amend a rule to provide for a more efficient Exam Board response to veterinary technicians and their employers as veterinary technicians complete the personal interview requirement prior to becoming registered. The general authority for this rule, as cited by the board, is SDCL 36-12-21.2.

A public hearing will be held at the Best Western Ramkota City and Conference Center, Jefferson Room, 2111 N. LaCrosse St., Rapid City, South Dakota, on August 17, 2012, at 9:10 a.m. Copies of the proposed rule may be obtained from and written comments sent to the Board of Veterinary Medical Examiners, 411 S. Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the board office by August 16, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3321 at least 48 hours before the hearing.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**DEPARTMENT OF SOCIAL SERVICES:  
DIVISION OF MEDICAL SERVICES:**  
67:16:03:06, 67:16:03:06.01; 67:16:14:01, and

67:16:14:06.02.

History-Notice: 38 SDR 209, May 29, 2012

Hearing: June 14, 2012

Filed: July 17, 2012

Effective: August 6, 2012

**GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT: BOARD OF ECONOMIC DEVELOPMENT:** 68:02:01:33, 68:02:01:42, 68:02:01:48, 68:02:01:53, 68:02:01:55, 68:02:01:56; 68:02:02:20, 68:02:02:23; and 68:02:03:23 to 68:02:03:44, inclusive.

History-Notice: 38 SDR 205, May 21, 2012

Hearing: June 12, 2012

Filed: July 17, 2012

Effective: August 6, 2012

#### **Executive Appointments:**

**Karolyn M. Baumann**, Brandon, was appointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, to replace Nora Svattox, effective immediately and shall continue until June 30, 2015.

**Roger G. Bowie**, Sioux Falls, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Sarah A. Carda**, Yankton, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Traci L. Glanzman**, Pierre, was appointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Michelle Greseth**, Sisseton, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Lisa Heckenlaible**, Mitchell, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Sara Hoogheem**, Clark, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Marie Ivers**, Brookings, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Kerry B. Larson**, Sioux Falls, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Penelope S. McCormick-Gilles**, Mount Vernon, was appointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Kevin V. Schieffer**, Sioux Falls, was appointed on July 13, 2012, to the **Transportation Commission**, to replace Dick Gregerson, effective July 28, 2012, and shall continue until April 18, 2016.

**Shelly J. Shaw**, Mission, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2015.

**Heather Stettinichs**, Brandon, was reappointed on July 13, 2012, to the **South Dakota Advisory Council for Children with Disabilities** effective immediately and shall continue until June 30, 2015.

**Michael J. Trucano**, Deadwood, was reappointed on July 13, 2012, to the **Transportation Commission**, effective immediately and shall continue until April 18, 2016.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

### REMINDER OF HEARINGS SCHEDULED

7-25-2012	Education: State Library Board	Amend rules to establish a program of full and affiliate depository libraries for state publications, and to specify how state agencies are to supply the State Library with digital and/or non-digital copies of their publications for inclusion in the program; 39 SDR 5.
8-2-2012	Game, Fish and Parks	Amend Hunting Requirements and Prohibited Methods rules to create accompaniment allowances for big game hunters and place the responsibility for adherence to the rule on the accompanying person who is not licensed to hunt big game, and allow for use of smokeless powder and peep sights and other optics that do not employ magnification during seasons restricted to Muzzleloading rifles; amend Waterfowl Hunting Seasons rules to increase the daily bag limit for redheads; increase the Canada goose daily bag limit and possession limit, and make corrections to the boundary descriptions for Units 1 and 2; amend a Bait rule to add the East Vermillion River, West Vermillion River, and Firesteel Creek below Lake Mitchell to the list of waters that are closed to the commercial and noncommercial taking of bait; and adopt Wildlife Rehabilitation rules to initiate a formalized program for the temporary care, rehabilitation, and release of certain resident wildlife species; 39 SDR 9.
8-8-2012	Labor and Regulation: Banking Commission and the Division of Banking	Amend rules to clarify the types of mutual funds that may be invested in or held by banks chartered and regulated by the Division of Banking; increase the annual asset based supervision fee paid by state-chartered trust

		companies and to establish a separate minimum and maximum fee amount payable by private and public trust companies; amend the trust administration duties that must be done in South Dakota by public trust companies to comply with a statutory requirement; repeal an unnecessary proof of experience requirement for certain mortgage license applicants; and remove unnecessary transition language related to continuing education requirements; 39 SDR 15.
8-17-2012	Agriculture: Board of Veterinary Medical Examiners	Amend a rule to provide for a more efficient Exam Board response to veterinary technicians and their employers as veterinary technicians complete the personal interview requirement prior to becoming registered; 39 SDR 15.
9-7-2012	Tourism: State Historical Society	Amend rules to set standard fees for services provided by the State Historical Society; revise the State Historic Preservation Office's review and handling of property tax moratorium applications; and alter when recipients of Deadwood Fund preservation grants from the State Historic Preservation Office must file the required preservation covenant for the grant; 38 SDR 199.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 14, 2012. The committee chair has set the following tentative meeting schedule for the 2012 interim: September 18, November 13, and December 18.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.